

TOWNSHIP OF EAST WINDSOR

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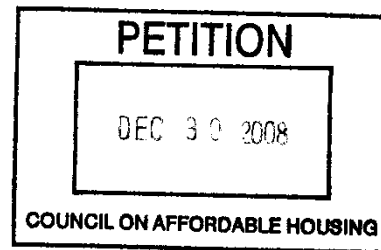
Municipal Clerk
CINDY A. DYE

Township Attorney
DAVID E. ORRON

December 30, 2008

HAND DELIVERED

Lucy Vandenberg, Executive Director
N. J. Council on Affordable Housing
101 South Broad Street
P.O. Box 813
Trenton, NJ 08650-0813



RE: Filing of Housing Element & Fair Share Plan and Petition for Substantive Certification

Dear Ms. Vandenberg:

Enclosed please find a certified copy of Township Resolution R2008-254, adopted by the Mayor and Council on December 16, 2008, endorsing an amendment to the Township Master Plan Housing Element and Fair Share Plan and the filing of a Petition for Substantive Certification to the Council on Affordable Housing (COAH) with accompanying documents.

In filing this Petition document, the Township wishes to note several matters. First, as noted in the Petition also, the Township reserves all rights to fully review and challenge the employment projections developed by COAH and the resultant housing obligations. The Township is in the process of and due to the lack of time has been unable to complete, surveying non-residential developments to determine actual employment growth as compared to the projections contained in COAH's regulations. The Township may seek to amend its Fair Share Plan based upon the results of this survey.

Further, although the Township has prepared and submitted what the Township believes to be a compliant petition application in response to the current State-imposed rules, the Township supports the establishment of a more rationale, achievable, and resourced affordable housing program for the State of New Jersey which is consistent with smart growth, sensitive to environmental concerns and furthers a positive and vibrant economic climate. The Township does not believe that the current COAH regulatory system is properly designed to achieve these goals, and will burden property taxpayers and discourage new business - - and at a time when the poor economic climate can least afford such a situation.

Lucy Vandenberg, Executive Director/Mayor Janice S. Mironov
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In this regard, the Township does not believe that the financial resources available at the federal, state and local level are sufficient to achieve the overly ambitious housing goals established by the State of New Jersey. The State regulations and legislation place municipal property taxpayers at risk to subsidize substantially the affordable housing requirements in direct contradiction with the provisions of the Fair Housing Act of 1985 which state that, "nothing in said Act shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing". For these same reasons, the State regulations and legislation also provide strong disincentives to the creation of new business, jobs and revenues by local officials and communities. Therefore, we continue to strongly urge State officials to formulate and implement proper reforms to the COAH regulations.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice S. Mironov", with a stylized flourish at the end.

JANICE S. MIRONOV
Mayor

Enclosures

TOWNSHIP OF EAST WINDSOR FAIR SHARE PLAN NARRATIVE

According to COAH regulations at N.J.A.C. 5:97-3.1 (a), "A municipality shall develop a Fair Share Plan that meets the requirements of this subchapter to address the municipality's total 1987 through 2018 fair share obligation, including implementing ordinances designed to ensure that the fair share of affordable housing for the 1987 through 2018 period is met."

The Township for planning purposes is using the 45 unit Rehabilitation Component, the 345 unit Prior Round Need, and the 378 unit Total Projected Growth Share allocation as the required number of low and moderate income units to be developed in Round 3.

The Township will address each of the three above-listed components during the 2004 to 2018 Round 3 cycle by implementing the following projects which are described in brief narrative form here and more fully in the COAH approved project checklists and in the attached COAH Petition Application.

A. Rehabilitation Component:

The Township of East Windsor intends to address its 45 unit Rehabilitation Component by continuing to administer a rehabilitation program which corrects deficiencies in dwellings as per the New Jersey State Housing Code, N.J.A.C 5:28, or, if a construction permit is required, the Rehabilitation Subcode N.J.S.A. 5:23-6.

In accordance with N.J.A.C. 5:97-4.5(a) of COAH's "Substantive Rules", East Windsor Township is entitled to receive credits for rehabilitated units which were completed subsequent to April 1, 2000 which had an average capital cost of at least \$8,000. As noted in the "Rehabilitation Report" attached to the rehabilitation checklist, thirty-six rehabilitations were completed after April 1, 2000 and had an average expenditure of \$11,135.66 per unit (i.e., \$400,884 total expenditures ÷ 36 units = \$11,135.66). Therefore, all of the thirty-six rehabilitated units are eligible for credit against East Windsor Township's third round "Rehabilitation Share" of 45 units, and the Township has a remaining "Rehabilitation Share" of 9 units.

The Township will continue to offer grants and low-interest or deferred payment loans to income-eligible homeowners to abate code violations or to replace defective major systems. In addition, the Township will amend the rehabilitation program to comply with COAH regulations [i.e., N.J.A.C. 5:97-6.2 (c)], which require that a rehabilitation program be open to owners of rental properties as well. To address this requirement the Township will prepared a Rehabilitation Program Manual which sets forth the criteria for participation by both owner-occupied and renter-occupied properties in order to comply with COAH regulations. See the petition application and COAH checklist for additional information.

B. Revised Prior Round Obligation

The Township has addressed its Prior Round obligation by facilitating the development of 345 units. These projects are summarized in the following table:

**EAST WINDSOR TOWNSHIP'S
APPROVED PLAN TO SATISFY
ITS PRIOR ROUND OBLIGATION**

SOURCE OF UNIT CREDITS	NUMBER OF CREDITED UNITS	COMMENTS
"St. James Village"	110 du	Prior Cycle Credits
"Eden A.C.R.E.s" 919 Old York Road	3 du	Prior Cycle Credits
"Thompson Realty" Settlement	5 du	Settlement Condition
"Habitat For The Humanities"	3 du	COAH Sanctioned Credits For 3 Completed Units
"Calton Homes"	72 du [36 rental du] (all 36 du can receive 2:1 bonus credit)	Completed Development (236 total du) With 36 Rental Units
"Wyncrest Commons"	30 du [15 rental du] (all 15 du can receive 2:1 bonus credit)	Approved Application (84 total du) With 15 Rental Units
"Group Homes"	28 du [21 bedrooms with 7 receiving a 2:1 bonus credit]	Approved By COAH
"RCA" Agreement	40 du	Completely Funded
"Wheaton Pointe by Presbyterian Homes"	54 du	With the 40 du RCA, Only 54 Of The Total 85 Age-Restricted Units Were Credited To Second Round; Remaining 31 Units To Be Credited To Third Round
TOTAL:	345 Units	

As evidenced by the "Monitoring Reports" forwarded to COAH, East Windsor Township has completed the above-listed projects listed in its 1987-1999 "Fair Share Plan" except for the "Thompson Realty" and "Wyncrest Commons" units which have not yet been constructed. It is anticipated that these two developments will be completed in 2009.

Additionally, East Windsor Township has a credit of thirty-one (31) age-restricted rental units in the "Wheaton Pointe" affordable housing development, which is owned and operated by

Presbyterian Homes & Services, Inc., that can be applied against the Township's third round housing obligation.

C. Round 3 Growth Share Obligation

The Township of East Windsor is utilizing COAH's projected Round 3 Growth Share Obligation of 378 units as its present and present and prospective low and moderate income housing need. The Township will satisfy its Round 3 obligation with the following projects:

Project #1 - Municipally Sponsored and 100% Affordable Program (94 units)

This project consists of a total of 94 units of which 87 will be family units. A total of 64 of the units will be rental and 30 will be for sale units. This project will be built by a developer, with experience in developing and managing affordable housing to be selected by the Township through a Request for Proposal process, on a parcel of land to be acquired by East Windsor Township. East Windsor Township will use funding from its Affordable Housing Trust Fund dedicated for affordability assistance to reduce low income rents to rents affordable to very low income tenants for 25 units. See the petition application and COAH checklist for additional information.

Project 2 - Municipally Sponsored and 100% Affordable Program (86 units)

This project consists of a total of 86 units of which 80 will be family units. A total of 56 of the units will be rental and 30 will be for sale units. This project will be built by a developer, with experience in developing and managing affordable housing to be selected by the Township through a Request for Proposal process, on a parcel of land to be acquired by East Windsor Township. East Windsor Township will use funding from its Affordable Housing Trust Fund dedicated for affordability assistance to reduce low income rents to rents affordable to very low income tenants for 25 units. See the petition application and COAH checklist for additional information.

Project #3 - Market to Affordable Program (37 units)

East Windsor Township will provide a Town-wide market to affordable program to provide 37 units of rental housing that will be open to all rental apartment owners willing to deed restrict existing apartment units for thirty years for the use of tenants that meet the COAH requirements for low and moderate income. The Township will contract with an Administrative Agent or Non Profit to administer the program. East Windsor Township will use funding from its Affordable Housing Trust Fund to reduce market rents to rents affordable to low and moderate income tenants. Small Cities Community Development Block Grant Program administered by the N.J. Department of Community Affairs will be used for lead abatement and first floor A.D.A. improvements. See the petition application and COAH checklist for additional information.

Project #4 – Community Options Group Home (5 credits)

The Township is claiming five credits for a four bedroom Group Home on a .5278 acre lot located at 272 Dutch Neck Road and designated as Block 63.01, Lot 31 on the Township tax maps that is owned and operated by Community Options Properties, Inc., 16 Farber Road,

Princeton, New Jersey 08540. The agency provides housing and services to DDD clients. Based on COAH regulations the Township is claiming five credits for this facility (4 bedrooms * 1.25 = 5 credits). See the petition application and COAH checklist for additional information.

Project #5 – SERV Group Home at 31 Pinehurst Road (6 credits)

The Township is claiming six credits for a five bedroom Group Home on a .4591 acre lot located at 31 Pinehurst Drive and designated as Block 7.08, Lot 8 on the Township tax maps that is owned and operated by Serv Behavioral Health System, Inc., 380 Scotch Road, West Trenton, New Jersey 08628. The agency provides housing and services to mentally disabled clients. Based on COAH regulations the Township is claiming six credits for this facility (5 bedrooms * 1.25 = 6 credits). See the petition application and COAH checklist for additional information.

Project #6 – New Special Needs Housing 354-356 Etra Road (5 credits)

The Township proposes to donate two adjacent parcels of land owned by East Windsor Township to an organization that provides group homes, for the purposes of assisting this organization in building a new group home with four bedrooms on the donated land. The first parcel is .6804 acres and is listed as 354 Etra Road and designated as Block 31, Lot 4 on the Township tax maps. The second parcel is .1876 acres and is listed as 356 Etra Road and designated as Block 31, Lot 5 on the Township tax maps. Combined, these two lots total .868 acres of land in the Rural Agricultural Zone (RA), which allows detached single-family homes. The property at 354 Etra Road currently has a two-story wood frame structure located on it that is not inhabited. The property at 356 Etra Road has a small wooden storage shed on the property. The two-story wood frame structure could be demolished to allow for the construction of a new structure to serve as a group home. See the petition application and COAH checklist for additional information.

Project #7 – New Special Needs Housing 353 Etra Road (5 credits)

The Township proposes to donate a parcel of land owned by East Windsor Township to an organization that provides group homes, for the purposes of assisting this organization in building a new group home with four bedrooms on the donated land. The parcel is 1.25 acres and is listed as 353 Etra Road and designated as Block 22, Lot 4 on the Township tax maps. This parcel of land is located in the Rural Agricultural Zone (RA), which allows detached single-family homes. The property at 353 Etra Road currently is vacant land. See the petition application and COAH checklist for additional information.

Project #8 – Inclusionary Zoning – Daveco Industries, LLC (3 credits)

The site is owned by Daveco Industrial, LLC of 53 Mountain Boulevard, Suite 204, Warren, New Jersey 07059. The property street address is 535 Route 130 in East Windsor. The subject property is identified as Block 53.04, Lot 1 3.01 on the East Windsor Township tax maps. The property is listed as 8.862 acres in size and currently has a self storage facility located on the site with frontage and access to Route 130 and vacant land adjacent to Westfield Road at the rear of the site. The portion of the property intended for residential use is approximately 2.16 acres in size. The property is zoned Highway Commercial (HC) and a Use Variance has been applied for and is currently before the East Windsor Township Board of Adjustment. See the petition

application and COAH checklist for additional information.

Project #9 – New Assisted Living Complex (12 credits)

The site is owned by East Windsor Acquisition, LLC of 60 Main Street, Matawan, New Jersey 07747. The property street address is 359 Princeton-Hightstown Road in East Windsor. The subject property is identified as Block 3, Lot 3.01 on the East Windsor Township tax maps. The property is listed as 4.05 acres in size and is currently vacant with no improvements on the property. The property is zoned Research Office (RO) and a Use Variance was granted by the East Windsor Township Board of Adjustment on March 20, 1997 to allow an assisted living facility. See the petition application and COAH checklist for additional information.

Project #10 – Surplus age-restricted credits for Wheaton Pointe project (31 units)

The Township is claiming 31 Prior Round credits for the HUD-assisted 100% affordable Wheaton Pointe project that could not be utilized in the Prior Round due to the cap on credits for age-restricted housing. See the petition application and COAH checklist for additional information.

Project #11 – Rental Bonus Credits (94 credits)

The Township is claiming 94 Rental Bonus Credits based on the development of the following projects in relation to the 94 Rental Unit requirement:

1. Wheaton Pointe –	31 units,
2. Market to Affordable –	37 units
3. Municipally Sponsored 100% Affordable	64 units
4. Municipally Sponsored 100% Affordable	<u>56 units</u>

Total rental units:	188 units
Less 94 unit requirement:	<u>- 94 units</u>

Excess Rental Units:	94 units
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Maximum Rental Bonus Credits:	94 units
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Compliance with COAH Requirements on minimums for Family and Rental Housing as well as maximums for Age-restricted Housing.

As stated above, the combined New Construction Obligation for East Windsor Township is 378 units. COAH regulations stipulate that at least half of the total obligation must be addressed with family housing and that 25% of the total obligation must be addressed with rental housing developments. Moreover, at least half of the rental obligation must consist of family units. Finally, COAH places a cap of 25% of the total obligation that can be addressed with age-restricted affordable housing.

The following criteria apply:

Minimum Family Housing Unit Obligation

In accordance with N.J.A.C. 5:97-3.9, East Windsor Township's minimum family housing obligation is one hundred and eighty-nine units (i.e., $378 \text{ units} \times 50\% = 189 \text{ units}$).

This obligation has been addressed with the following projects:

a. Inclusionary Zoning	3 units
b. The Market to Affordable Program:	19 units
c. Municipally Sponsored 100% Affordable Project #1:	87 units
d. Municipally Sponsored 100% Affordable Project #2:	<u>80 units</u>

Total units proposed:	189 units
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Minimum Rental housing Unit Obligation

In accordance with N.J.A.C. 5:97-3.4, East Windsor Township's minimum rental housing obligation is ninety-four units (i.e., $378 \text{ units} \times 25\% = 94.5 \text{ units}$ or 94 rounded).

This obligation has been addressed with the following projects:

a. Market to Affordable Program:	37 units
b. Municipally Sponsored 100% Affordable Project #1:	64 units
c. Municipally Sponsored 100% Affordable Project #2:	56 units
d. Wheaton Pointe surplus age-restricted units from Prior Round:	<u>31 units</u>

Total units proposed:	188 units
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Maximum Permitted Number Of Age-Restricted Affordable Units

In accordance with N.J.A.C. 5:97-3.10 (c), the maximum number of age-restricted affordable units to be credited against East Windsor Township's "growth share" obligation will be ninety-four units (i.e., $378 \text{ units} \times 25\% = 94.5 \text{ units}$ or 94 rounded) or twenty-five percent (25%) of the actual number of units to be rehabilitated or constructed in Round 3.

The only project that is an age-restricted development is the Wheaton Pointe surplus of 31 units from the Prior Round.

Very Low Income Units

P.L. 2008, c. 46 requires that a least 13 percent of affordable housing units be reserved for occupancy by very low income households. The very low income household requirement will be fifty units (i.e., $378 \text{ units} \times 13\% = 49.14$ or 50 rounded)

Workbook A: Growth Share Determination Using Published Data
(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections
Must be used in all submissions

Municipality Name:

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	1,149	2,651
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	20	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	69	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	1,060	2,651
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	212.00 Affordable Units	165.69 Affordable Units
6 Total Projected Growth Share Obligation		378 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.